

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Eric S. BARNES

**GROUP:** 2625

**APPLICATION:** 10/644,468

**EXAMINER:** H. Kassa

**FILED:** August 20, 2003

**CONFIRMATION:** 5956

**FOR: APPARATUS AND METHOD FOR GENERATING REUSABLE  
COMPOSITE COMPONENTS DURING DYNAMIC DOCUMENT  
CONSTRUCTION**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**REQUEST FOR PRE-APPEAL BRIEF REVIEW**

The Applicant requests a Pre-Appeal Brief Review of the Final Office Action, dated December 17, 2009, issued in connection with the above-identified application. No amendments are being filed with this Pre-Appeal Brief Review Request.

This Pre-Appeal Brief Review Request is being filed with a Notice of Appeal.

The Pre-Appeal Brief Review is requested for the reason(s) stated on the attached sheet(s).

Respectfully submitted,



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**Arguments to be Considered by Pre-Appeal Brief Conference Panel**

**Rejection under 35 U.S.C. §103**

Claim 1 and 30-33 have been rejected under 35 U.S.C. §103 for being unpatentable over Brintzenhofe et al. (Published US Patent Application 2005/0223320) in view of McBrearty et al. (US Patent Number 6,744,452). This rejection is respectfully traversed.

In formulating the rejection, the Examiner, explicitly states, on page 9 of the Office Action, that Brintzenhofe et al. teaches most of the claimed subject matter of claim 1, expect “obtaining a list of document components from said page and identifying any non-cached components.” Notwithstanding the Examiner’s assertion, independent claim 1 does not recite any limitation associated with “identifying any non-cached components.” Thus, this remark is not relevant to the claimed invention of claim 1.

Moreover, the Examiner asserts that Brintzenhofe et al. teaches that a cacheable reusable document is identified as a file. Although Brintzenhofe et al. may teach that a cacheable reusable document is identified as a file, the claim language specifically recites, “identifying the cacheable reusable document components included in the obtained list of documents components associated with the interpreted page.” In other words, the claimed invention identifies cacheable reusable document components, not a document as taught by Brintzenhofe et al.

Furthermore, the claimed invention identifies cacheable reusable document components which are included in a list of document components. Since the Examiner explicitly recognizes that Brintzenhofe et al. fails to teach obtaining a list of document components from the page, it is respectfully submitted that it is technologically impossible for Brintzenhofe et al. to teach, as asserted by the Examiner, identifying the cacheable reusable document components included in the obtained list of documents components associated with the interpreted page because there is no list of documents components.

Thus, Brintzenhofe et al. fails to disclose obtaining a list of document components associated with an interpreted page, the list of document components including cacheable reusable document components and non-cached document components associated with the interpreted page.

Furthermore, Brintzenhofe et al. fails to disclose identifying the cacheable reusable document components included in the obtained list of documents components associated with the interpreted page.

With respect to McBrearty et al., the Examiner alleges that McBrearty et al. teaches that a web page is obtained from a server and a check is made to determine if non-cached components are present.

Notwithstanding the Examiner's assertion, the actual teachings of McBrearty et al. fail to support the Examiner's characterization of the process described by McBrearty et al. More specifically, McBrearty et al. teaches that when a web page is requested, the process checks to determine if the web page has been cached or not cached.

In contrast, the presently claimed invention clearly sets forth the obtaining of a list of document components associated with an interpreted page, the list of document components including cacheable reusable document components and non-cached document components associated with the interpreted page.

Moreover, the presently claimed invention clearly sets forth that each interpreted page having cacheable reusable document components and non-cached document components.

Lastly, the presently claimed invention clearly sets forth the identification of the cacheable reusable document components included in the obtained list of documents components associated with the interpreted page.

Checking if a web page has been cached, as taught by McBrearty et al., fails to teach or suggest obtaining a list of document components associated with an interpreted page, the list of document components including cacheable reusable document components and non-cached document components associated with the interpreted page; and/or identifying the cacheable reusable document components included in the obtained list of documents components associated with the interpreted page.

Thus, McBrearty et al. fails to teach or suggest the generation of a list of document components wherein the list of document components includes cacheable reusable document components and non-cached document components associated with the interpreted page.

Therefore, contrary to the Examiner's allegations, the combination of Brintzenhofe et al. in view of McBrearty et al. fails to disclose or suggest obtaining a list of document components associated with an interpreted page cacheable reusable, the list of document components including cacheable reusable document components and non-cached document components associated with the interpreted page; and/or identifying the cacheable reusable document components included in the obtained list of documents components associated with the interpreted page.

#### **Rejection under 35 U.S.C. §103**

Claim 2 has been rejected under 35 U.S.C. §103 for being unpatentable over Gauthier (Published US Patent Application 2004/0141197) in view of McBrearty et al. (US Patent Number 6,744,452). This rejection is respectfully traversed.

The Examiner alleges that McBrearty et al. teaches that a web page is obtained from a server and a check is made to determine if non-cached components are present. The Examiner

asserts that the Applicant teaches an underlay-overlay pair implies cached and non-cached components.

Notwithstanding the Examiner's assertion, the actual teachings of McBrearty et al. fail to support the Examiner's characterization of the process described by McBrearty et al. More specifically, McBrearty et al. teaches that when a web page is requested, the process checks to determine if the web page has been cached, not components of the page.

In contrast, the presently claimed invention clearly sets forth assessing the rendered page for the possibility of having an underlay-overlay pair. Checking if an entire web page has been cached, as taught by McBrearty et al., fails to teach or suggest assessing the rendered page for the possibility of having an underlay-overlay pair.

The Applicant respectfully submits that checking for non-cached components fails to teach or suggest assessing the rendered page for the possibility of having an underlay-overlay pair.

Therefore, contrary to the Examiner's allegations, the combination of Gauthier in view of McBrearty et al. fails to disclose or suggest assessing the rendered page for the possibility of having an underlay-overlay pair.

#### **Rejection of Claims 8-27 under 35 U.S.C. §103**

Claims 8-27 have been rejected under 35 U.S.C. §103 for being unpatentable over Gauthier (Published US Patent Application 2004/0141197) in view of Brintzenhofe et al. (Published US Patent Application 2005/0223320) and Freund (US Patent Number 5,870,769). This rejection is respectfully traversed.

It is noted that although the Examiner has indicated that claims 17-27 have been rejected under 35 U.S.C. §103 for being unpatentable over Gauthier (Published US Patent Application 2004/0141197) in view of Brintzenhofe et al. (Published US Patent Application 2005/0223320) and Freund (US Patent Number 5,870,769), the Examiner has failed to provide any arguments to support such an assertion. **Therefore, with respect to claims 17-27, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. §103.**

With respect to independent claim 8, the Examiner alleges that Freund discloses, at column 2, lines 32-44, a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays. The Examiner further alleges that Freund teaches that the visual characteristics of a displayed link status indicator, which indicates if the document is stored in cache. Moreover, the Examiner alleges that Freund teaches if the user selects a link status indicator, the document is stored in cache without displaying the document to the user.

It is respectfully submitted that displaying a link status indicator in such a manner to indicate if the document is stored in cache is irrelevant to a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

Furthermore, it is respectfully submitted that the selecting of a link status indicator so that a document is stored in cache without displaying the document to the user is irrelevant to a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

More specifically, the teachings of Freund are not directed to composites of reusable document components. Thus, teachings of Freund fail to provide any basis for the Examiner's assertion that the prior art teaches a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

Therefore, contrary to the Examiner's allegations, the combination of Gauthier in view of Brintzenhofe et al. and Freund fails to disclose or suggest a page description language interpreter that combines some of the reusable document components into composites of reusable document components and combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

**Rejection of Claims 17-27 under 35 U.S.C. §103**

Claims 17-27 have been rejected under 35 U.S.C. §103 for being unpatentable over Gauthier (Published US Patent Application 2004/0141197) in view of Brintzenhofe et al. (Published US Patent Application 2005/0223320). This rejection is respectfully traversed.

With respect to Brintzenhofe et al., the Examiner alleges that Brintzenhofe et al. teaches the adding of content to the composition. Moreover, the Examiner alleges that the adding of content to the composition, as taught by Brintzenhofe et al., discloses combining some of the reusable document components into composites of reusable document components and combining some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

Contrary to the Examiner's assertions, although Brintzenhofe et al. discloses, at paragraph [0150], the adding of content to the composition, such a teaching is not relevant to

combining some of the reusable document components into composites of reusable document components and combining some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

More specifically, the adding of content to an existing composition does not teach the combining of reusable document components into composites of reusable document components. Moreover, the adding of content to an existing composition does not teach the combining of reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

The Examiner has failed to provide any reasoning or argument that would demonstrate how the adding of content to an existing composition teaches combining some of the reusable document components into composites of reusable document components and combining some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

Therefore, contrary to the Examiner's allegations, the combination of Gauthier in view of Brintzenhofe et al. fails to disclose or suggest combining some of the reusable document components into composites of reusable document components and combining some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays.

#### **CONCLUSION**

Accordingly, in view of all the reasons set forth above, the Pre-Appeal Conference Panel is respectfully requested to reconsider and withdraw the present rejections. Also, an early indication of allowability is earnestly solicited.

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